

JOURNAL OF THE HOUSE

NINETY-FIRST SESSION

SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, January 13, 2016

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Bishop David Zellmer, followed by the Pledge of Allegiance led by House page Korder Cropsey.

Roll Call: All members present except Reps. Kaiser, May, and Munsterman who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

REPORTS OF JOINT-SELECT COMMITTEES

MR. SPEAKER:

Your Joint-Select Committee appointed for the purpose of fixing the compensation of the elective and appointive officers and employees of the House and Senate for the Ninety-first Legislative Session, pursuant to SDCL 2-5-8, respectfully reports that a salary schedule for the elective and appointive officers and employees has been developed and filed with the Director of the Legislative Research Council and the State Auditor.

In regard to the system for payment of travel expenses to legislators we respectfully report that:

(1) A form listing each weekend during session will be delivered to legislators. Legislators will be asked to list their travel on that single sheet which would be signed and turned in at the close of session. Also, pursuant to statute, a voucher must also be signed by each legislator requesting travel reimbursement.

(2) Legislators driving their own car home for a weekend will receive mileage paid at state rates (42 cents per mile). Legislators not driving home will not be entitled to reimbursement unless they leased a vehicle or somehow incurred an expense, equivalent to 42 cents per mile, in such travel.

(3) Legislators flying commercially will receive the equivalent of flight expenses as long as it does not exceed 42 cents per mile.

(4) Legislators flying charter or in their own plane will be reimbursed for actual expenses as long as it does not exceed 42 cents per mile.

(5) A maximum of ten trips will be considered for the 2016 Legislative Session, including the trip for the final legislative day.

(6) Pursuant to constitutional provisions, legislators will be paid for their initial trip to Pierre and their final trip home at the rate of 5 cents per mile.

Respectfully submitted,
Dean Wink
Brian Gosch
Spencer Hawley
House Committee

Respectfully submitted,
Gary Cammack
Corey Brown
Billie Sutton
Senate Committee

1 Also MR. SPEAKER:

2 Your Joint-Select Committee appointed relative to securing chaplains for the Ninety-first
3 Legislative Session respectfully reports:

4 We have conferred with the Pierre/Ft. Pierre Ministerial Association and have arranged
5 for ministers to participate on a part-time basis under the direction of Pastor Sarah Goldammer,
6 Lutheran Memorial Church, as chief chaplain, to serve the Senate and House as chaplains
7 throughout the Ninety-first session of the Legislature. The chaplains are as follows:

8 John Armstrong, Dan Bader, Josh Baumann, Paul Bly, Susan Carr, Larry Cass, John Fette,
9 Ron Garry, Sarah Goldammer, Mercy Hobbs, Joe Holzhauser, David Hussey, Wes Labrier,
10 Auggie Minzlaff, Sunshine Minzlaff, J. P. Mosley, Jr., Peggy Stempson, and David Zellmer.

11 Respectfully submitted,
12 Scott Craig
13 Roger Hunt
14 Karen Soli
15 House Committee

Respectfully submitted,
Bill Van Gerpen
Gary Cammack
Scott Parsley
Senate Committee

16 Also MR. SPEAKER:

17 Your Joint-Select Committee appointed to make arrangements for legislative days
18 respectfully reports that we recommend the days of the Ninety-first Legislative Session be
19 January 12 through January 15, January 19 through January 22, January 25 through January 28,
20 February 2 through February 5, February 8 through February 11, February 16 through
21 February 19, February 22 through February 25, February 29 through March 3, March 7 through
22 March 11, and March 29.

23 Respectfully submitted,
24 Mike Stevens
25 Kris Langer
26 Peggy Gibson
27 House Committee

Respectfully submitted,
Gary Cammack
Corey Brown
Billie Sutton
Senate Committee

28 Also MR. SPEAKER:

29 Your Joint-Select Committee appointed for the purpose of conferring with the Director of
30 the Legislative Research Council in regard to making arrangements for the distribution of the
31 official directory, House and Senate journals and bills, and other legislative printing for the two
32 houses and the state offices with the full power to act respectfully reports that:

33 The Legislature orders 100 copies of the Senate and House bills and resolutions (each); and
34 100 copies of the Senate and House daily journals (each) for the Ninety-first Legislative
35 Session.

1 The free distribution of sets of bills, resolutions, and daily journals shall be as follows:

2 Eight copies for the Governor's Office, thirteen copies for the Supreme Court, eleven
3 copies for the Legislative Research Council, four copies for the State Library Depository, three
4 copies for the Attorney General, two copies for the Bureau of Finance and Management, four
5 copies for the Secretary of State, two copies for the Department of Legislative Audit, one copy
6 for the Code Commission, one copy for the State Treasurer, one copy for the State Auditor, one
7 copy for the Commissioner of School and Public Lands, one copy for the Public Utilities
8 Commission, and press copies as needed. Accomplishment of this distribution may be satisfied,
9 in whole or in part, by obtaining electronic copies of these documents from the legislative
10 internet site.

11 State's Attorneys and County Auditors shall receive free copies of bills and journals if they
12 pay mailing charges at a rate of \$50 per set (bills or journals) for first-class mailing.

13 Distribution of bills and journals to state officials, boards, commissions, and institutions
14 will be made upon request in writing to the Legislative Research Council at a charge of
15 \$315 per set of bills and \$85 per set of journals plus mailing charges, if applicable.

16 One copy of the official directory (red book) shall be distributed to each Senator and
17 Representative, four copies to the State Library, three copies to the Secretary of State and a
18 copy shall also be made available to state departments and the press upon request to the
19 Director of the Legislative Research Council. The public may obtain a copy for a fee of
20 \$8 payable to the Legislative Research Council.

21 One free copy of the South Dakota Legislative Index shall be distributed to the Governor,
22 the Lieutenant Governor, the Attorney General and the Supreme Court; four free copies to the
23 State Library Depository; and one free copy to Senators and Representatives. Upon written
24 request to the Legislative Documents Room before January 28, 2016, all other state and private
25 entities may purchase the South Dakota Legislative Index at a cost of \$55 per copy.

26 The Documents Clerk shall upon written request furnish any individual, firm, corporation,
27 association, or other organization with a set of House and Senate bills for \$315 per set and a set
28 of journals for \$85 per set for the Ninety-first Legislative Session, plus mailing charges, if
29 applicable.

30 Legislators may have two copies of all bills and resolutions and two copies of the daily
31 journals distributed or mailed to constituents within the legislator's own district if constituents
32 or legislators pay mailing charges of \$50 per set for first-class mailing.

33 Registered lobbyists shall be entitled to one copy of the official directory upon payment
34 of the \$40 registration fee to the Secretary of State; and upon payment of an additional \$315 per
35 set of bills and \$85 per set of journals plus mailing charges, if applicable, to the Legislative
36 Research Council, shall be entitled to one copy of all bills and resolutions or journals pursuant
37 to SDCL 2-12-3.

1 Bill status reports will be printed and sold to state agencies at cost and to registered
2 lobbyists for \$220 payable to the Legislative Research Council which receipted funds shall be
3 used to pay the printing costs. If bill status is mailed, the additional cost is \$125 for first-class
4 postage.

5 A free daily copy of the bill status report shall be distributed as follows:

6 Governor; Speaker of the House; Speaker Pro tempore of the House; House Majority
7 Leader; House Minority Leader; House Lobby; Chief Clerk of the House; Lieutenant Governor;
8 President Pro tempore of the Senate; Senate Majority Leader; Senate Minority Leader; Senate
9 Lobby; Secretary of the Senate; Page Advisor; Attorney General; Bureau of Finance and
10 Management; Secretary of State; Treasurer's Office; Auditor's Office; Office of School and
11 Public Lands; and Legislative Research Council. Accomplishment of this distribution may be
12 satisfied, in whole or in part, by obtaining electronic copies of these documents from the
13 legislative internet site.

14 The Documents Clerk shall at the end of the session file a report with the Director of the
15 Legislative Research Council of all money paid for the purchase of bills and journals and show
16 proof of having deposited such money with the State Treasurer. Such funds shall be used to
17 offset the costs of postage and printing of bills and journals.

18 Respectfully submitted,
19 Don Haggar
20 Jim Bolin
21 Paula Hawks
22 House Committee

Respectfully submitted,
Jim White
Ried Holien
Troy Heinert
Senate Committee

23 Also MR. SPEAKER:

24 Your Joint-Select Committee appointed to make arrangements for a Memorial Service for
25 deceased former members of the South Dakota House of Representatives and Senate
26 respectfully reports that they recommend that the House of Representatives and Senate recess
27 and convene in the House Chamber at 3:00 p.m. on January 21, 2016, and that a Joint Memorial
28 Resolution be introduced in their memory by their colleagues in the House of Representatives
29 and Senate.

30 A short program will follow the introduction of the Memorial Resolution. At the
31 conclusion of the Memorial Service, the Joint Session will be dissolved.

32 The Memorial Resolution shall be printed in the House and Senate Journals.

33 Respectfully submitted,
34 Scott Craig
35 Roger Hunt
36 Julie Bartling
37 Dennis Feickert
38 House Committee

Respectfully submitted,
Mike Vehle
Phyllis Heineman
Jim Bradford
Senate Committee

1 **MESSAGES FROM THE SENATE**

2 Unless there is an objection, the Speaker waived the reading of the messages.

3 Hearing no objection, the reading was waived.

4 MR. SPEAKER:

5 I have the honor to inform your honorable body that the Senate has appointed
6 Sens. Cammack, Brown, and Sutton as a committee of three on the part of the Senate to meet
7 with a like committee on the part of the House to arrange for a Joint Session of the two houses
8 to receive the message of the Governor.

9 Also MR. SPEAKER:

10 I have the honor to inform your honorable body that the Senate has appointed
11 Sens. Cammack, Brown, and Sutton as a committee of three on the part of the Senate to meet
12 with a like committee on the part of the House to notify the Governor that the Legislature is
13 duly organized and ready to meet in Joint Session to receive any communications he may desire
14 to make.

15 Also MR. SPEAKER:

16 I have the honor to inform your honorable body that the Senate has appointed
17 Sens. Cammack, Brown, and Sutton as a committee of three on the part of the Senate to meet
18 with a like committee on the part of the House for the purpose of inviting the Chief Justice of
19 the Supreme Court to address a Joint Session on the State of the Judiciary and make
20 arrangements therefor.

21 Also MR. SPEAKER:

22 I have the honor to inform your honorable body that the Senate has appointed
23 Sens. Cammack, Brown, and Heinert as a committee of three on the part of the Senate to meet
24 with a like committee on the part of the House to make arrangements for a Joint Session to hear
25 the message from a Tribal Chairman on the State of the Tribes.

26 Also MR. SPEAKER:

27 I have the honor to inform your honorable body that the Senate has appointed
28 Sens. Cammack, Brown, and Sutton as a committee of three on the part of the Senate to meet
29 with a like committee on the part of the House relative to the Joint Rules for the Ninety-first
30 Legislative Session.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has appointed
3 Sens. Cammack, Brown, and Sutton as a committee of three on the part of the Senate to meet
4 with a like committee on the part of the House for the purpose of setting the compensation of
5 the elective and appointive officers and employees of the House and Senate for the Ninety-first
6 Legislative Session, pursuant to SDCL 2-5-8, with the full power to act and that such
7 compensation schedule be filed with the Director of the Legislative Research Council and the
8 State Auditor.

9 Also MR. SPEAKER:

10 I have the honor to inform your honorable body that the Senate has appointed
11 Sens. Van Gerpen, Cammack, and Parsley as a committee of three on the part of the Senate to
12 meet with a like committee on the part of the House relative to securing chaplains for the
13 Ninety-first Legislative Session.

14 Also MR. SPEAKER:

15 I have the honor to inform your honorable body that the Senate has appointed
16 Sens. Cammack, Brown, and Sutton as a committee of three on the part of the Senate to meet
17 with a like committee on the part of the House to arrange for legislative days for the members,
18 officers, and employees of the Senate and House.

19 Also MR. SPEAKER:

20 I have the honor to inform your honorable body that the Senate has appointed Sens. White,
21 Holien, and Heinert as a committee of three on the part of the Senate to meet with a like
22 committee on the part of the House for the purpose of conferring with the Director of the
23 Legislative Research Council in regard to making arrangements for the distribution of the
24 official directory, Senate and House journals, and bills and other legislative printing for the two
25 houses and the state offices, with the full power to act.

26 Also MR. SPEAKER:

27 I have the honor to inform your honorable body that the Senate has appointed Sens. Vehle,
28 Heineman, and Bradford as a committee of three on the part of the Senate to meet with a
29 committee of four on the part of the House for the purpose of arranging a memorial recognition
30 of deceased former members of the Senate and House.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has adopted the report of
3 the Joint-Select Committee relative to arranging for a Joint Session of the two houses to receive
4 the message of the Governor.

5 Also MR. SPEAKER:

6 I have the honor to inform your honorable body that the Senate has adopted the report of
7 the Joint-Select Committee relative to notifying the Governor that the Legislature is duly
8 organized and ready to meet in Joint Session to receive any communications he may desire to
9 make.

10 Also MR. SPEAKER:

11 I have the honor to inform your honorable body that the Senate has adopted the report of
12 the Joint-Select Committee relative to arranging for a Joint Session to receive the State of the
13 Judiciary message of the Honorable David Gilbertson, Chief Justice of the Supreme Court.

14 Also MR. SPEAKER:

15 I have the honor to inform your honorable body that the Senate has adopted the report of
16 the Joint-Select Committee relative to arranging for a Joint Session to receive the State of the
17 Tribes message from a Tribal Chairman.

18 Respectfully,
19 Kay Johnson, Secretary

20 **MOTIONS AND RESOLUTIONS**

21 Rep. Gosch moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
22 Thursday, January 14, the 3rd legislative day.

23 Which motion prevailed.

1 FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2 The following bills were read on Tuesday, January 12, and today the Speaker assigned
3 these bills to committee.

4 HB 1001 was referred to the Committee on State Affairs.

5 HB 1002 was referred to the Committee on Local Government.

6 HB 1003 was referred to the Committee on Local Government.

7 HB 1004 was referred to the Committee on Local Government.

8 HB 1005 was referred to the Committee on Local Government.

9 HB 1006 was referred to the Committee on State Affairs.

10 HB 1007 was referred to the Committee on Appropriations.

11 HB 1008 was referred to the Committee on State Affairs.

12 HB 1009 was referred to the Committee on Local Government.

13 HB 1010 was referred to the Committee on Agriculture and Natural Resources.

14 HB 1011 was referred to the Committee on Agriculture and Natural Resources.

15 HB 1012 was referred to the Committee on Appropriations.

16 HB 1013 was referred to the Committee on Education.

17 HB 1014 was referred to the Committee on Education.

18 HB 1015 was referred to the Committee on Appropriations.

19 HB 1016 was referred to the Committee on Appropriations.

20 HB 1017 was referred to the Committee on Appropriations.

21 HB 1018 was referred to the Committee on Agriculture and Natural Resources.

22 HB 1019 was referred to the Committee on Agriculture and Natural Resources.

23 HB 1020 was referred to the Committee on Agriculture and Natural Resources.

24 HB 1021 was referred to the Committee on Judiciary.

- 1 HB 1022 was referred to the Committee on Judiciary.
- 2 HB 1023 was referred to the Committee on Health and Human Services.
- 3 HB 1024 was referred to the Committee on Appropriations.
- 4 HB 1025 was referred to the Committee on Health and Human Services.
- 5 HB 1026 was referred to the Committee on Health and Human Services.
- 6 HB 1027 was referred to the Committee on Health and Human Services.
- 7 HB 1028 was referred to the Committee on Health and Human Services.
- 8 HB 1029 was referred to the Committee on Appropriations.
- 9 HB 1030 was referred to the Committee on Commerce and Energy.
- 10 HB 1031 was referred to the Committee on Commerce and Energy.
- 11 HB 1032 was referred to the Committee on Commerce and Energy.
- 12 HB 1033 was referred to the Committee on Local Government.
- 13 HB 1034 was referred to the Committee on Local Government.
- 14 HB 1035 was referred to the Committee on Local Government.
- 15 HB 1036 was referred to the Committee on Local Government.
- 16 HB 1037 was referred to the Committee on Local Government.
- 17 HB 1038 was referred to the Committee on Commerce and Energy.
- 18 HB 1039 was referred to the Committee on State Affairs.
- 19 HB 1040 was referred to the Committee on Commerce and Energy.
- 20 HB 1041 was referred to the Committee on Commerce and Energy.
- 21 HB 1042 was referred to the Committee on Appropriations.
- 22 HB 1043 was referred to the Committee on Appropriations.
- 23 HB 1044 was referred to the Committee on Appropriations.
- 24 HB 1045 was referred to the Committee on Appropriations.

1 HB 1046 was referred to the Committee on Appropriations.

2 HB 1047 was referred to the Committee on Appropriations.

3 HB 1048 was referred to the Committee on Commerce and Energy.

4 HB 1049 was referred to the Committee on Taxation.

5 HB 1050 was referred to the Committee on Taxation.

6 HB 1051 was referred to the Committee on Taxation.

7 HB 1052 was referred to the Committee on Commerce and Energy.

8 HB 1053 was referred to the Committee on Taxation.

9 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
10 1:15 p.m. the House adjourned.

11 Arlene Kvislen, Chief Clerk

12 JOINT SESSION

13 Pursuant to the report of the Joint-Select Committee, as found on page 13 of the House
14 Journal, the Senate convened with the House of Representatives in the House Chamber for the
15 purpose of receiving a message from the Chief Justice of the Supreme Court, David Gilbertson.
16 The President of the Senate, Matt Michels, presided.

17 The following prayer was delivered by Chaplain, Bishop David B. Zellmer, South Dakota
18 Synod of the ELCA, Sioux Falls, South Dakota:

19 Amos 5:21 ... I take no delight in your solemn assemblies.

20 23 Take away from me the noise of your songs;

21 I will not listen to the melody of your harps.

22 24 But let justice roll down like waters,

23 And righteousness like an ever-flowing stream.

24 O God of Grace and Glory

25 We give thanks for the gifts of living in this beautiful state, for the men and women who
26 keep us safe, for our teachers and those who are raising up the next generation. On this day we
27 give thanks for the men and women of our Judiciary, for through them the law is applied with
28 fairness and justice to our citizens. We ask that You would continue to gift them with wisdom
29 and courage that all in our state might live equitably.

1 We ask that You might bless our Governor, Chief Justice, the Judiciary, our Legislators,
2 and all those who have been set aside to serve the people of South Dakota, that through their
3 work our citizens, from the youngest to the oldest, from those who feel as if they have no voice,
4 to those who sit in halls of power, might benefit. Bless this state and all who live here.

5 In Your Holy Name we Pray. Amen.

6 The Secretary of the Senate, Kay Johnson, called the roll of the Senate and the following
7 members were present:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield,
9 Brock; Haggar, Jenna; Haverly; Heineman, Phyllis; Heinert; Holien; Hunhoff, Bernie; Jensen,
10 Phil; Monroe; Novstrup, David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim;
11 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
12 White.

13 The Chief Clerk of the House of Representatives, Arlene Kvislen, called the roll of the
14 House and the following members were present:

15 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
16 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggar, Don;
17 Harrison; Haugaard; Hawks; Hawley; Heinemann; Holmes; Hunhoff, Jean; Hunt; Jensen, Alex;
18 Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Novstrup,
19 Al; Otten, Herman; Partridge; Peterson, Kent; Qualm; Rasmussen; Ring; Romkema; Rounds;
20 Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
21 Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;
22 Speaker Wink.

23 Sen. Brown moved that a committee of three on the part of the Senate and a committee of
24 five on the part of the House be appointed to escort the Honorable David Gilbertson, Chief
25 Justice of the state of South Dakota, to the rostrum.

26 Which motion prevailed and the President appointed as such committee Sens. Cammack,
27 Brown, and Sutton on the part of the Senate and Reps. Gosch, Westra, Mickelson, Hawley, and
28 Bartling on the part of the House.

29 The Sergeant at Arms announced the arrival of Chief Justice David Gilbertson, who was
30 escorted to the rostrum.

31 The Lieutenant Governor, Matt Michels, introduced the Honorable David Gilbertson, who
32 delivered the State of the Judiciary Address.

33 Sen. Brown moved that the Joint Session do now dissolve.

34 Which motion prevailed.